

SIXTH DAY.

(Tuesday, January 15, 1929.)

The House met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called and the following members were present:

Ackerman.	Jones.
Adkins.	Justiss.
Anderson.	Kayton.
Avis.	Keeton.
Baker.	Keller.
Baldwin.	Kemble.
Barnett.	Kennedy.
Bateman.	Kenyon.
Beck.	Kincaid.
Bond.	King.
Bounds.	Kinnear.
Bradley.	Land.
Brice.	Lee.
Brooks.	Lemens.
Carpenter.	Long of Houston.
Chastain.	Long of Wichita.
Coltrin.	Loy.
Conway.	Mauritz.
Cox of Navarro.	Maynard.
Cox of Lamar.	McCombs.
Cox of Limestone.	McDonald.
Davis.	McGill.
DeWolfe.	Mehl.
Dunlap.	Metcalf.
Duvall.	Minor.
Enderby.	Montgomery.
Ewing.	Moore.
Eickenroht.	Mullally.
Finn.	Murphy.
Finlay.	Negley.
Forbes.	Nicholson.
Fuchs.	Olsen.
Gates.	O'Neill.
Gerron.	Palmer.
Gilbert.	Patterson.
Giles.	Pavlica.
Graves	Petsch.
of Williamson.	Pope of Jones.
Graves of Erath.	Pope of Nueces.
Hardy.	Prendergast.
Harding.	Purl.
Harman.	Quinn.
Harper.	Ray.
Harrison.	Reader.
Heaton.	Reid.
Hefley.	Renfro.
Hines.	Richardson.
Hogg.	Rountree.
Holder.	Sanders.
Hopkins.	Savage.
Hornaday.	Shelton.
Hubbard.	Sherrill.
Johnson	Shipman.
of Dimmit.	Simmons.
Johnson of Smith.	Snelgrove.
Johnson of Scurry.	Speck.

Stephens.	Webb.
Stevenson.	Westbrook.
Storey.	White.
Thompson.	Wiggs.
Thurmond.	Williams
Tillotson.	of Sabine.
Turner.	Williams
Van Zandt.	of Hardin.
Veatch.	Williams
Waddell.	of Travis.
Wallace.	Woodall.
Walters.	Woodruff.
Warwick.	Young.

Absent.

McKean.	Shaver.
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Absent—Excused.

Acker.	Pool.
Albritton.	Rogers.
Jenkins.	Sinks.
Mankin.	Smith.
Martin.	Strong.
Morse.	Tarwater.
Mosely.	

A quorum was announced present.

Prayer was offered by Hon. George W. Coltrin, a member of the House.

LEAVES OF ABSENCE GRANTED.

The following member was granted leave of absence on account of important business:

Mr. Rogers for today and the balance of the week, on motion of Mr. Bateman.

The following members were granted leaves of absence on account of sickness:

Mr. Albritton for today and the balance of the week, on motion of Mr. Webb.

Mr. Acker for today, on motion of Mr. Kincaid.

Mr. Smith for today, on motion of Mr. Reader.

Mr. Jenkins for today, on motion of Mr. Sanders.

Mr. Sinks for yesterday, today and the balance of the week, on motion of Mr. Storey.

Mr. Pool for today and tomorrow, on motion of Mr. Mullally.

By unanimous consent of the House, Mr. Wallace was granted leave of absence from duties in the House to serve as chairman of the Committee on Appropriations at such times as his services are needed.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, January 15, 1929.

Hon. W. S. Barron, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to
inform the House that the Senate has
passed

S. B. No. 60, A bill to be entitled
"An Act to amend Article 6954 of
the Revised Civil Statutes of Texas,
1925, Chapter 6, Title 121, with refer-
ence to the mode of preventing horses,
and certain other animals, from running
at large in the counties named, so as
to include the counties of Brazoria,
Texas; Galveston, Texas; and Harris,
Texas, and declaring an emergency."

S. C. R. No. 6, Providing for a Joint
Session of the Legislature to receive the
crop champions of the South.

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

INVITATION TO ATTEND ENTER-
TAINMENT BY CHAMBER OF
COMMERCE.

The Speaker laid before the House
and had read the following invitation
by the Chamber of Commerce of Austin
to the members of the House:

Austin, Texas, January 14, 1929.

Hon. W. S. Barron, Speaker, House of
Representatives, Austin, Texas.

Dear Mr. Barron: The business men
and citizens of Austin have arranged for
an entertainment on the roof garden
of the Stephen F. Austin Hotel for
Thursday evening, January 17th, start-
ing at 8:30 and continuing until about
11:30.

We are extending to you and to all
members of the House of Representa-
tives, and to their lady friends, a most
cordial invitation to be present with us
Thursday evening.

If agreeable with you, will you not
kindly have this invitation read to the
House when the Legislature convenes
Tuesday morning so that the chairmen
of committees may so arrange their
meetings that the members of these
committees may be able to attend this
entertainment.

Sincerely thanking you for having
this notice given to the members of the
Legislature and hoping that each mem-

ber of the Legislature will be present
with us Thursday evening, we are

Yours respectfully,

AUSTIN CHAMBER OF COMMERCE.

RALPH C. GOETH,

President;

LEE S. THRIFT,

Vice-President;

Convention and Publicity Bureau.

W. E. LONG, Manager.

Travis county Representatives:

Eugene V. Giles.

W. T. Williams.

The House accepted the invitation.

COMMITTEE TO ESCORT CHIEF
JUSTICE CURETON TO THE
BAR OF THE HOUSE.

The Speaker announced the appoint-
ment of the following committee to es-
cort Chief Justice C. M. Cureton to the
bar of the House.

Messrs. Storey, Kemble, Stevenson,
Prendergast and Woodall.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, January 15, 1929.

Hon. W. S. Barron, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to
inform the House that the Senate has
passed

H. C. R. No. 5, Providing for a Joint
Session of House and Senate at 12
o'clock instead of 11 o'clock, with
amendment.

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

INAUGURATION OF GOVERNOR AND
LIEUTENANT GOVERNOR.

(In Joint Session.)

At the hour of 12 o'clock m. fixed
by concurrent action of the two houses
for the Senate and the House of Repre-
sentatives to meet in joint session for
the purpose of inaugurating the Gov-
ernor-elect and the Lieutenant Governor-
elect, the Honorable Senate, escorted by
the Sergeant-at-Arms of the Senate,
Captain A. W. Holt, the Secretary of
the Senate, Bob Barker, and the Jour-
nal Clerk of the Senate, Wendal O'Neal,
the Senators advanced into the Hall
and, by direction of the Speaker of the
House, occupied seats prepared for them
along the aisles.

The President Pro Tempore of the Senate, Hon. Walter C. Woodward, by invitation of the Speaker, occupied a seat on the Speaker's stand, on the right of the Speaker.

Ex-Governor Sayers, being invited, occupied a seat on the Speaker's stand.

Hon. Walter C. Woodward, President Pro Tempore of the Senate, directed the Secretary of the Senate to call the roll of the Senate.

The roll of the Senate was called and the following Senators answered to their names:

Beck.	Neal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent.

Love. Patton.

Hon. Walter C. Woodward, President Pro Tempore of the Senate, announced a quorum of the Senate present.

Speaker Barron directed the Clerk to call the roll of the House.

The roll of the House was called and the following members were present:

Ackerman.	Enderby.
Adkins.	Ewing.
Anderson.	Eickenroht.
Avis.	Finn.
Baker.	Finlay.
Baldwin.	Forbes.
Barnett.	Fuchs.
Bateman.	Gates.
Beck.	Gerron.
Bond.	Gilbert.
Bounds.	Giles.
Bradley.	Graves
Brice.	of Williamson.
Brooks.	Graves of Erath.
Carpenter.	Hardy.
Chastain.	Harding.
Coltrin.	Harman.
Conway.	Harper.
Cox of Navarro.	Harrison.
Cox of Lamar.	Heaton.
Cox of Limestone.	Hefley.
Davis.	Hines.
DeWolfe.	Hogg.
Dunlap.	Holder.
Duvall.	Hopkins.

Hornaday.	Pope of Nueces.
Hubbard.	Prendergast.
Johnson	Purl.
of Dimmit.	Quinn.
Johnson of Smith.	Ray.
Johnson of Scurry.	Reader.
Jones.	Reid.
Justiss.	Renfro.
Kayton.	Richardson.
Keeton.	Rountree.
Keller.	Sanders.
Kemble.	Savage.
Kennedy.	Shelton.
Kenyon.	Sherrill.
Kincaid.	Shipman.
King.	Simmons.
Kinnear.	Snelgrove.
Land.	Speck.
Lee.	Stephens.
Lemens.	Stevenson.
Long of Houston.	Storey.
Long of Wichita.	Thompson.
Loy.	Thurmond.
Mauritz.	Tillotson.
Maynard.	Turner.
McCombs.	Van Zandt.
McDonald.	Veatch.
McGill.	Waddell.
Mehl.	Wallace.
Metcalfe.	Walters.
Minor.	Warwick.
Montgomery.	Webb.
Moore.	Westbrook.
Mullally.	White.
Murphy.	Wiggs.
Negley.	Williams
Nicholson.	of Sabine.
Olsen.	Williams
O'Neill.	of Hardin.
Palmer.	Williams
Patterson.	of Travis.
Pavlica.	Woodall.
Petsch.	Woodruff.
Pope of Jones.	Young.

Absent.

McKean. Shaver.

Absent—Excused.

Acker.	Pool.
Albritton.	Rogers.
Jenkins.	Sinks.
Mankin.	Smith.
Martin.	Strong.
Morse.	Tarwater.
Mosely.	

The Speaker announced a quorum of the House present.

Governor-elect Dan Moody and Lieutenant Governor-elect Barry Miller and Chief Justice C. M. Cureton, and party, accompanied by the committees appointed to escort them to the Hall of the House, appeared at the bar of the

House, and being admitted, were escorted to seats on the Speaker's stand.

Rev. George Green, pastor of the First Baptist Church of Austin, offered prayer.

Speaker Barron then directed the Clerk to read the report of the joint committee appointed to canvass the vote for Governor and Lieutenant Governor at the last general election.

The Clerk then read the report as follows:

Austin, Texas, January 11, 1929.

Hon. Barry Miller, President of the Senate, and Hon. W. S. Barron, Speaker of the House of Representatives.

Sirs: We, your joint committee and tellers, appointed to canvass the votes cast at the last general election held in the State of Texas on November 6, 1928, for Governor and Lieutenant Governor of the State of Texas, as shown by returns delivered to us by Secretary of State, beg leave to report that we have performed that duty, and the result of our canvass is as follows:

There were cast for Governor—

Dan Moody	582,972 votes
W. H. Holmes.....	120,504 votes
J. Stedman	109 votes
L. L. Rhodes.....	738 votes
Scattering and irregular..	2,683 votes

There were cast for Lieutenant Governor—

Barry Miller	583,614 votes
Mrs. Lena Moore.....	119,887 votes
J. L. Swan.....	110 votes
A. F. Van Blon.....	1,530 votes
Scattering and irregular..	6,375 votes

All of which is respectfully submitted.

MARTIN,
HARDIN,
HYER,
GAINER,
SMALL,

On Part of the Senate.

NICHOLSON,
KINNEAR,
KEMBLE,
MULLALLY,
YOUNG,

On Part of the House.

The Speaker of the House and the President Pro Tempore of the Senate then announced that the two houses were in joint session for the purpose of inaugurating the Governor-elect and the Lieutenant Governor-elect.

Speaker Barron presented Hon. Barry Miller, Lieutenant Governor-elect, who

came forward and took the constitutional oath of office, which was administered to him by Chief Justice C. M. Cureton, and he also affixed his signature to the official oath, Chief Justice C. M. Cureton attesting same with the great seal of the Commonwealth of Texas.

Hon. Walter C. Woodward, President Pro Tempore of the Senate, being presented to the joint session by the Speaker of the House, presented Hon. Barry Miller, Lieutenant Governor, to the joint session and the assemblage.

Lieutenant Governor Barry Miller then addressed the joint session and the assemblage.

Hon. Dan Moody, Governor-elect, being presented by Speaker Barron, came forward and took the constitutional oath of office, which was administered to him by Chief Justice C. M. Cureton, and he affixed his signature to the official oath, Chief Justice Cureton attesting same with the great seal of the Commonwealth of Texas.

Hon. Walter C. Woodward, President Pro Tempore of the Senate, presented Speaker Barron, who introduced Hon. Dan Moody to the joint session and the assemblage.

Hon. Dan Moody, Governor of Texas, then addressed the joint session and the assemblage.

Prayer was then offered by Bishop Sam R. Hay of the Methodist Episcopal Church, South.

The Senate then retired to its Chamber.

RECESS.

On motion of Mr. Quinn, the House, at 12:30 o'clock p. m., took recess to 2:30 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2:30 o'clock p. m., and was called to order by Mrs. Moore.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Carpenter (by request):

H. B. No. 218. A bill to be entitled "An Act to amend Section 6 of Chapter 183 of the General Laws of the Thirty-ninth Legislature at its Regular Session, and creating the sand, gravel and shell fund, and appropriating the

same; providing for refund or taxes paid on marl, gravel, shell or mudshell by any county, city or town, or State Highway Commission, and providing for the enforcement of the provisions of the sand, shell and gravel law; for the killing of gars, sharks, in the public waters of this State, pelicans, porpoise, and the destruction of pelican eggs, and authorizing the payment of compensation therefor; and repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Bond:

H. B. No. 219, A bill to be entitled "An Act to amend Article 2352 of Title 44, Revised Civil Statutes, 1925, prohibiting any commissioners court creating any annual current indebtedness which shall exceed the annual current revenues of any such county, and such indebtedness thus created in excess of the annual current revenue shall be void."

Referred to Judiciary Committee.

By Mr. Conway and Mr. Holder:

H. B. No. 220, A bill to be entitled "An Act to amend Article 602 of the Penal Code of the State of Texas, 1925, so as to make the offense of desertion of wife or child a felony, providing a penalty therefor; and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. DeWolfe:

H. B. No. 221, A bill to be entitled "An Act to provide for the establishment of junior college courses in certain accredited high schools in any public school district upon recommendation of the State Superintendent of Public Instruction, with the approval of the State Board of Education, providing for certain fees, the requirements for admission, scholastic qualifications of teachers, prescribing what shall constitute a sufficient library and laboratory, giving such schools the power to issue diplomas upon graduation, granting State aid on a per capita basis and making an appropriation therefor, and repealing all laws in conflict with this act."

Referred to Committee on Education.

By Mr. Mullally:

H. B. No. 222, A bill to be entitled "An Act to amend Article 324 of the

Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 23 of the General Laws of the Regular Session of the Fortieth Legislature of Texas, passed and approved February 12, 1927, relating to the appointment of assistant district attorneys in judicial districts consisting of more than one county, in which there is situated a city of twenty-eight thousand population or over, according to the last preceding United States census or any United States census which may hereafter be taken, so as to provide for the appointment of assistant district attorneys in such judicial districts in which there is situated a city of twenty-two thousand five hundred population or over, according to the last preceding United States census or any United States census which may hereafter be taken, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Keller:

H. B. No. 223, A bill to be entitled "An Act amending Article 5949 of Title 99 of 1925 Revised Statutes of Texas, adding thereto that the Governor shall, at the time of appointing a notary public, give to each a number; also amending Article 5950 of the same, adding thereto that the Secretary of State shall keep a record of said notaries, both numerically and alphabetically, and that the county clerk of each county shall also keep a similar record of notaries in his county; also amending Article 5960 of same, adding thereto that the horizontal points of the star shall be broken and that the number assigned to each notary public placed therein; and also amending Article 360 of Chapter 5 of the Penal Code of the State of Texas, 1925, Revised Statutes of Texas, adding thereto that any person or notary violating use of seal of office shall be fined not more than \$1,000 or confined in the county jail not more than one year, or by both such fine and imprisonment, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Minor (by request):

H. B. No. 224, A bill to be entitled "An Act to amend Article 2547 (2443), Chapter 2, Title 47, Revised Civil Statutes of Texas of 1925, as amended by Chapter 129 of the Acts of the Regular Session of the Fortieth Legislature, which provides for the execution of bonds for securing county deposits;

provides who may make such bonds, the manner in which such deposits shall be secured and the amount of such bonds; and which amendment to said Article 2547 (2443), as amended by said Chapter 129 of the Acts of the Regular Session of the Fortieth Legislature, provides for the making of bonds for the securing of county deposits, declaring who may make such bonds and the amount and character of the security that may be accepted by the commissioners courts to secure such deposits; provides that any banking corporation, association or individual banker selected as county depository may, in lieu of execution of bonds, pledge and deposit with the commissioners court United States bonds, certificates of indebtedness of the United States, bonds of the State of Texas, or of any county, city, town, independent school district, common school district, or bonds issued under the Federal Farm Loan Act, or road district bonds, providing for the increase or reduction of the securities so pledged or for substitution of such securities; provides for venue of suits on bonds, and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Rountree:

H. B. No. 225, A bill to be entitled "An Act amending Article 4115, Revised Civil Statutes, 1925, by providing that when publication of notice of an application for guardianship of the person or estate of a minor shall be published, as provided by Article 28, Revised Civil Statutes, 1925, such publication shall be sufficient service without posting such notice; and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Land:

H. B. No. 226, A bill to be entitled "An Act to amend Article 1350, of Title 17, Chapter 3, of the Revised Criminal Statutes of the State of Texas of 1925, providing penalties for persons willfully and maliciously destroying personal property, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Sanders and Mr. Renfro:

H. B. No. 227, A bill to be entitled "An Act providing for the office of district attorney in the Second Judicial District of Texas, to perform the duties of a district attorney under the Constitution and laws of this State; pro-

viding that the present district attorney in said district shall hold his office to and including December 31, 1930, and declaring an emergency."

Referred to Committee on Judicial Districts.

By Mr. Bond:

H. B. No. 228, A bill to be entitled "An act to amend Articles 687 and 689 of Chapter 6, Code of Criminal Procedure, providing that nine jurors in a felony case and five jurors in a misdemeanor case may return into court a verdict; repealing all laws in conflict herewith."

Referred to Committee on Criminal Jurisprudence.

By Mr. Thurmond:

H. B. No. 229, A bill to be entitled "An Act to amend Article 2741, Revised Statutes of 1925, relating to the duties of county school trustees, with reference to the boundaries of school districts within their counties."

Referred to Committee on School Districts.

By Mr. Lemens, Mr. Long of Wichita and Mr. Adkins:

H. B. No. 230, A bill to be entitled "An Act to amend Article 11 of the Code of Criminal Procedure of the State of Texas, 1925, so as to provide that in a felony case, on a plea of guilty, the defendant may waive a trial by a jury, providing that the judge shall assess the punishment; and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Rountree and Mr. Metcalfe:

H. B. No. 231, A bill to be entitled "An Act amending Chapter 255 of the Acts of the Fortieth Legislature, at its Regular Session, by providing that the counties of Dawson and Howard shall be a part of the Eleventh Supreme Judicial District, and removing said counties from the Eighth Supreme Judicial District, and providing for the appeal of cases from Dawson and Howard counties to the Court of Civil Appeals for the Eighth Supreme Judicial District prior to September 1, 1929, and for the appeal of cases from Dawson and Howard counties to the Court of Civil Appeals for the Eleventh Supreme Judicial District subsequent to September 1, 1929."

Referred to Committee on Judicial Districts.

By Mr. Young:

H. B. No. 232, A bill to be entitled "An Act placing a closed season on wild prairie chickens in certain counties; providing a penalty for the violation of same, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Stevenson:

H. B. No. 233, A bill to be entitled "An Act to repeal Article 6899, Title 121, Chapter 1, of the Revised Civil Statutes of 1925, and declaring an emergency."

Referred to Committee on Live Stock and Stock Raising.

By Mr. Petsch:

H. B. No. 234, A bill to be entitled "An Act repealing Articles 1177, 1178, 1179, 1180, 1181 and 1182 of the Penal Code of the State of Texas, 1925, relating to the offense of kidnapping and abduction and defining the offense of kidnapping; providing that if the person abducted or stolen be under the age of sixteen years, want of consent shall be presumed, and in the event that such person be less than fourteen years of age, want of consent does constitute an element of the offense, providing that any detention as long as twelve hours shall complete the offense, even though the person be afterwards released or marriage has taken place; fixing a penalty for the offense of kidnapping; providing that no offense committed prior to the taking effect of this act shall be affected hereby, whether an indictment has been returned or not, but in every such case the offender may be proceeded against and punished under the law as existing prior to the taking effect of this act, the same as if this act had not been passed, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Quinn:

H. B. No. 235, A bill to be entitled "An Act to establish and create a criminal district court for Jefferson county; to provide for the jurisdiction of and procedure in said court; to fix the time for holding the terms of said court; to provide for the appointment, election, qualification, duties, powers and compensation of a judge of said court; depriving and divesting the district courts of Jefferson county of jurisdiction of all criminal cases; providing

from and after the taking effect of this act for the transfer of all criminal cases from the district courts of the Fifty-eighth and Sixtieth Judicial Districts of Jefferson county to the criminal district court of Jefferson county created by this act; providing that the county attorney, the sheriff and the clerk of the district court of Jefferson county, shall be the county attorney, sheriff and clerk of the district court, respectively, of the court created by this act, under the same rules and regulations as are now, or may hereafter be, prescribed by law for the government of such officials; providing for the fees to be received by such officers for such services, and repealing all laws and parts of laws in conflict with this act, and declaring an emergency."

Referred to Committee on Judicial Districts.

By Mr. McCombs:

H. B. No. 236, A bill to be entitled "An Act amending Article 3325, Chapter 4, Title 54, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, by adding thereto a provision authorizing the county courts of this State to grant letters of administration upon the estates of certain persons without regard to the date of death when such administration is necessary in connection with the receipt or recovery of moneys due by the United States of America, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. McCombs:

H. B. No. 237, A bill to be entitled "An Act amending Article 4143, Chapter 4, Title 69, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, by adding thereto a provision whereby the county judge may authorize the payment of bond premiums out of the estate of the ward, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. McCombs:

H. B. No. 238, A bill to be entitled "An Act amending Article 4148, Chapter 4, Title 69, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, by adding thereto a provision authorizing the county judge to decrease the amount of a guardian's

bond whenever, in his opinion, a smaller bond than the one in effect would be adequate to protect the estate of the ward, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. McCombs:

H. B. No. 239, A bill to be entitled "An Act amending Article 4234, Chapter 10, Title 69, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, so as to provide for the removal of a guardian after being cited to answer, when he is proved to have been guilty of gross neglect or mismanagement in the performance of any of his duties as guardian, and when he becomes of unsound mind or an habitual drunkard or is sentenced to imprisonment for a term of years, and when, if he be the guardian of the person, he cruelly treats the ward or neglects to educate and maintain the ward as liberally as the means of such ward and the circumstances of the case demand, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. McCombs:

H. B. No. 240, A bill to be entitled "An Act amending Articles 4282, 4283 and 4284, Chapter 12, Title 69 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, relative to the discharge of guardians of incompetents or habitual drunkards where such persons have been restored to their right minds or sober habits, by adding thereto a provision authorizing the court to adjudge such persons to be of sound mind or to be no longer habitual drunkards, as the case may be, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. McCombs:

H. B. No. 241, A bill to be entitled "An Act providing for the giving of notices to the United Veterans' Bureau of the filing of all annual and other accounts, and of all applications for the expenditure and investment of funds by guardians whose wards are beneficiaries of the United Veterans' Bureau, and providing for collection of fees therefor, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. McCombs:

H. B. No. 242, A bill to be entitled "An Act amending Article 4233, Chap-

ter 10, Title 69, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, so as to provide for the removal of guardians without notice when notices or other process of court cannot be served upon them on account of their whereabouts being unknown, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. McCombs:

H. B. No. 243, A bill to be entitled "An Act amending Article 4142, Chapter 4, Title 69, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, relative to sureties upon guardians' bonds, by adding thereto a provision authorizing the county judge to require sureties on guardians' bonds in certain cases, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Speck:

H. B. No. 244, A bill to be entitled "An Act to regulate the control of Johnson grass, Bermuda grass and Russian thistle upon the rights of way of railways in this State, and to regulate and control such Johnson grass, Bermuda grass and Russian thistle upon lands contiguous to the rights of way, and regulating the exercising of ordinary care to prevent such grass or thistle from going to seed and maturing upon such rights of way and upon such contiguous lands; providing the penalties therefor; fixing the measure of damage therefor, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Speck:

H. B. No. 245, A bill to be entitled "An Act to amend Article 2905 of the Revised Civil Statutes of the State of Texas, with reference to power and authority of county school trustees and of the trustees of independent districts having scholastic population of more than one hundred and fifty scholars and of the trustees of independent school districts under the jurisdiction and control of any city government; granting the right of eminent domain, and prescribing the procedure of the same, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Rountree:

H. B. No. 246, A bill to be entitled "An Act providing for an occupation tax upon persons selling malt at retail equal to the sum of one dollar per pound so sold; providing for the time and manner of payment; providing for the disposing of said tax when collected; and providing for a penalty for the violation hereof."

Referred to Committee on Revenue and Taxation.

HOUSE JOINT RESOLUTION ON FIRST READING.

The following House joint resolution, introduced today, was laid before the House, read first time and referred to the Committee on Constitutional Amendments:

By Mr. Quinn:

H. J. R. No. 4, Proposing an amendment to the Constitution of the State of Texas by providing that all officers of the State government who are now elected for two years shall be elected for four years.

CONTEST CASES.

The Speaker laid before the House for consideration at this time the contest cases of W. R. Montgomery and W. S. Johnson.

Mr. Holder moved that the matter be referred to the Committee on Privileges, Suffrage and Elections.

Mr. Pope of Nueces moved as an amendment to the motion of Mr. Holder that the documents relating to the cases be not printed in the Journal at this time.

The motion of Mr. Pope of Nueces prevailed.

Question then recurring on the motion of Mr. Holder, it prevailed.

PROVIDING FOR PRE-SESSION PAY FOR CERTAIN EMPLOYEES.

Mr. Davis offered the following resolution:

Whereas, It was necessary that certain work be done prior to the opening of the session of the Legislature in preparing the Hall and having other necessary preparations made; now, therefore, be it

Resolved, That the following employees be allowed per diem for the number of days herein specified at the same salary as paid for like work during session:

Louise Snow Phinney, Chief Clerk, five days; Joe W. White, Sergeant-at-Arms, three days; J. T. Hamilton, clerk to Sergeant-at-Arms, four days; John Rogers, storekeeper to Sergeant-at-Arms, one day; Bill Davis, page to Sergeant-at-Arms, one day; Lawrence Ledbetter, chief operator of voting machine, seven days; L. G. Petmecky, assistant to chief operator of voting machine, two days; Mrs. Myrtle Goetz, stenographer, two days; James Wiginton, clerk, two days; Merle Booker, stenographer, three days; be it further

Resolved, That these employees be paid out of the mileage and per diem fund of the House.

The resolution was read second time and was adopted.

BILL ORDERED NOT PRINTED.

On motion of Mr. Pope of Jones, House bill No. 168 was ordered not printed.

ADJOURNMENT.

On motion of Mr. Bateman, the House, at 3 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have today filed favorable reports on bills, as follows:

Banks and Banking: House bill No. 189.

Judiciary: House bills Nos. 85. 89.

Municipal and Private Corporations: House bill No. 180.

Counties: House bill No. 64.

Public Lands and Buildings: House concurrent resolution No. 4.

The following committee has today filed adverse report on resolution, as follows:

Public Lands and Buildings: House concurrent resolution No. 4.

In Memory
of
Hon. C. A. Barker

Mr. O'Neill offered the following resolution:

Whereas, The Honorable C. A. Barker, of Sherman, Grayson county, Texas, a former member of the House of Representatives, was recently called by the Great Father to his eternal home; and

Whereas, The State has lost one of its most highly honored and faithful citizens, who gave his long and able life to the services of Texas; and

Whereas, Much of the development of Grayson county has been accomplished and enriched by his life and character, covering a period of many years; therefore, be it

Resolved, by the House of Representatives, That we express our sympathy to the family and relatives of deceased, and that a page of the House Journal be set aside today in memory of Mr. Barker and his honest and faithful service, and that when the House adjourns today it be in respect to him; and be it further

Resolved, That the Mailing Clerk be, and is hereby instructed, to send a copy of this resolution to each member of his family.

O'NEILL,
BATEMAN,
VAN ZANDT,
LOY.

The resolution was read second time and was adopted by a rising vote.